

Michael R. Bakst, Trustee
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Phone: 561-838-4523

Dear Trustee Bakst,

"Time stands still until judicious valid Justice protects all jurists and Courts from void injudicious miscarriages of Justice ("Justicides") they commit ("Jurisprudence") as duly proved in attached TSS LKJMOL A1-A4.¹ " Attorney at Law, Lalit K. Jain, Esquire

I write to you today as an interested party in the above referenced case and creditor in the action. As you are now aware from the June 08, 2022 hearing transcript², **Attorney at Law and Officer of the Court**, Inger Garcia, Esq. reported on the record to the Bankruptcy Court a fraud on the Bankruptcy Court, a fraud on a FL State Court, Creditors and Debtors and the Trustee. Ms. Garcia's statements awoke the Court to the fact that a dead person had motioned the Court for hearing and the Court was hearing the motion filed by the dead person. This fraud was achieved by attorney Bradley Shraiberg, Esq. with false oaths to the Court regarding his representation of a dead person and fraudulent motions filed with the Court using the deceased person. Shraiberg has been representing a dead person since the start of these proceedings as part of a more complex series of frauds taking place in these matters, that started in the Florida State Court. These frauds were done knowingly and with the intent to deceive the Court and the parties involved in an effort to steal assets of the BFR Estate.

Some background information will help you understand the fraud in and on the US Federal Bankruptcy court and others.

1. Walter Sahm died on **January 05, 2021, see attached Exhibit Walter Sahm Death Certificate**³.
2. On August 05, 2021 (8 months after his death) Walter Sahm while deceased, as if alive, filed for Summary Judgment on - FL 15th Judicial Case #50-2018-CA-002317-XXXX-MB Docket #85 "MOTION FOR SUMMARY FINAL JUDGMENT OF FORECLOSURE, TAXATION OF COSTS, AND AWARD OF ATTORNEYS' FEES." Attorney Robert Sweetapple, Esq. filed this.
3. On December 23, 2021 (nearly a year after death) - Walter Sahm while deceased, as if alive, was awarded Final Judgment in his name as if alive, not in the name of his Estate. - FL 15th Judicial Case #50-2018-CA-002317-XXXX-MB Docket #88 "FINAL JUDGMENT FORECLOSURE, , AMOUNT OF FJ \$353,574.68, SALE DATE 04/20/2022, SIGNED DATE 12/21/2021 - J KASTRENAKES BOOK 33193 PAGE 500-504".

¹ Exhibit 1 - Attorney Lalit K. Jain, Esq. - Memorandum of Law - Please verify at www.TruthIsPrudence.Com .

² Exhibit 2 - June 08, 2022 Hearing Transcript

³ Exhibit 3 - Walter Sahm Death Certificate

4. On April 04, 2022 A Suggestion of Death was filed - FL 15th Judicial Case #50-2018-CA-002317-XXXX-MB Docket #155 "NOTICE OF CORRECTION OF DATES OF SUGGESTION OF DEATH AND SUPPLEMENTAL 1.530 (F/B DFT ELIOT I. BERNSTEIN)" notifying the parties of Walter Sahm's death. It defies belief that even after this Suggestion of Death was put into the record in Kastrenakes Court, which should have abated the case until a substitution for Walter was made by his Estate, counsel continued to move knowingly and with bad intent further using deceased Walter, including continuing the fraud in and on the Federal Bankruptcy Court.
5. On April 14, 2022 The Final Judgment in Walter Sahm's name was then used in a "Proof of Publication" regarding the sale of the home that is part of the BFR Estate - FL 15th Judicial Case #50-2018-CA-002317-XXXX-MB Docket #167 "NOTICE OF FORECLOSURE SALE."
6. On **April 25, 2022** (nearly a year and half after Walter's death) Bradley Shraiberg, Esq. entered a Notice of Appearance for the deceased Walter Sahm to the Bankruptcy Court in this case, which states "PLEASE TAKE NOTICE that Bradley S. Shraiberg, Esq. of Shraiberg Page, P.A., hereby enters notice of appearance as counsel for Walter E. Sahm and Patricia Sahm (together, "Secured Creditors")..."
7. Bradley Shraiberg appeared before the Court representing a deceased party repeatedly and even after a suggestion of death was filed in the Bankruptcy Court continued the fraud and this was all part of more elaborate frauds taking place in these matters and efforts to defraud the BFR Estate of property.

From the June 08, 2022 transcript I quote attorney Inger Garcia, Esq.;

13 THE COURT: Ms. Garcia.

14 **MS. GARCIA: Hi, Your Honor. Thank you. I**

15 **don't know what to say except I'm a little bit shocked**

16 **at what's being represented to the court. I'm so sorry**

17 **because I completely respect the court system and all**

20 **the attorneys and I'm fairly new to the case, but I**

21 **can say this. Under 11USC305, I'm requesting the court**

22 **to do what's in the best interest of the creditors and**

1 **the debtors.** Now, I did send the trustee just prior to

2 the hearing a copy of the insurance that proves this

3 property is insured. They did insure it timely, but it

4 wasn't titled correctly, so I got the properly titled

5 correctly insurance today, so this property is not at

6 risk. **Number two, this joinder that was filed for**

7 Walter Saum and Patricia Saum was filed with a dead
8 man and at the last hearing counsel represented that
9 Walter Saum just passed away recently. I have the
10 death certificate and I provided it also to the
11 trustee that he died 18 months ago. The final judgment
12 was done in the name of a dead man. I plan on going
13 back to the state court to Judge Castranacis
14 (phonetic) who I respect because he was my professor
15 in law school, got me my first job with the State
16 Attorney Janet Reno. He's an incredible judge. He was
17 misled in the court, and I want to go back to that
18 court and correct his final judgment, but in the
19 meanwhile, Judge, I'm asking don't convert it to a 7.
20 There's many issues. There's an investment trust that
21 spawns this property. Mr. Rose knows, him and I have
22 been going back and forth that I'm trying to get

1 \$300,000 release to pay Mr. Marshal to defend his case
2 if needed. So, to me, I'm sorry, Judge, I'm very sad
3 and very upset after 30 years of practicing law that
4 these people come in here and tell you the best
5 interest is a Chapter 7, when it's a dismissal without
6 prejudice. **Give us a chance to get the money from the**
7 **attorney who are filing for dead people and who**
8 **control money that are preventing us from paying this**
9 **mortgage and let our clients do this correctly, so**
10 **please do not convert this to a Chapter 7 and hurt**
11 **this client. This is their family home for years.**
12 **These are three young teenagers who are trying to do**
13 **the best they can.**

And further

22· ·MS. GARCIA: Your Honor, all I can address on

- 1 that issue is that in the underlying case this entity
- 2 is part of the final judgment as it exists and nobody
- 3 brought up to that point either, **so I think Judge**
- 4 **Castranacis needs to be informed of what's really**
- 5 **going on so he can void the final judgment adnitio**
- 6 **(phoenetic) fraud on the court.**

Mr. Shraiberg filed a notice of appearance for a deceased Walter Sahm who had been dead for a year and a half before his representation began before the Bankruptcy Court. Mr. Shraiberg continued this fraud by then preparing pleadings for a deceased party and then representing him at hearings. The dead Walter Sahm then filed a joinder motion to the US Attorney motion heard on June 08, 2022.

The initial notice of appearance filed in the Bankruptcy Court by Shraiberg was and is for a deceased person and this act alone appears to violate all of the following;

18 U.S. Code § 152 - Concealment of assets; **false oaths and claims**; bribery;

18 U.S. Code § 1341 - **Frauds and swindles**; and

18 U.S.C. § 1519. Destruction, alteration, or **falsification of records in Federal investigations and bankruptcy.**

When criminal activity is suspected, the trustee must notify the United States Trustee immediately. 18 U.S.C. § 3057. In all cases where the trustee suspects criminal activity, the trustee must immediately notify the United States Trustee so that the recording of the meeting of creditors may be properly secured and stored to preserve its later use in a criminal proceeding. 28 U.S.C. § 586. I would assume that Heidi Feinberg, Esq., acting as US Trustee in the case and who was present when Ms. Garcia exposed the frauds, would have already taken these steps and began to fulfill her fiduciary duties to report fraud, especially where the allegations were made by a Florida Licensed Attorney.

These frauds also concealed via fraud a necessary party from the proceedings both in the State Court and the Bankruptcy Court, the Estate of Walter Sahm, where the Estate and the PR, are and have always been necessary parties as is now evidenced by the attempt of Mr. Shraiberg to now substitute the Estate of Walter Sahm. A bit too late for attempting to cover the crime up. Thereby, all hearings and pleadings should be void as a necessary party was intentionally concealed from the proceedings through fraud.

Further, Ms. Garcia, Esq. as an Officer of the Court also reported to the Bankruptcy Court that the final judgment the Sahm's possess and are asserting as a creditor claim from the State Court, was gained through a similar fraud on that court of using a deceased Walter Sahm to both file for Summary

Judgment and a deceased Walter was issued a Final Judgment in his name that is now before the Bankruptcy Court, not in the name of his estate or the PR's name, all part of an elaborate and ongoing fraud to steal property of the BFR Estate. All of this obstruction via simulated legal process to gain real property represents numerous other frauds, which must now also be investigated.

It appears that Mr. Shraiberg was continuing the fraud on the Bankruptcy Court that began in the State Court with Judge Kastrenakes. Shraiberg is asserting to this Court a final judgment that was fraudulently gained and is in a deceased Walter's name individually and it appears he did not want to disrupt the apple cart by explaining just exactly how that came to be to the Bankruptcy Court and knowing that judgment was void he continued to act as if he were unaware of his alleged client's death. Despite knowing that Walter was dead, it was not until the day after the June 08, 2022 hearing, after Ms. Garcia, Esq. exposed the fraud on the record, that Shraiberg acknowledged that his client was dead since January 2021 and tried to substitute Walter's Estate. However the final judgment he holds as a creditor claim is not in the Estate of Walter Sahm and thus I am uncertain if they are a proper party before the Court or more fraud in effort to cover up the other fraud.

Shraiberg then tried substituting the Estate and an alleged PR, Joanna Sahm, to replace Walter, as if this would somehow cure the ongoing frauds. No letters testamentary were presented to prove such substitution valid or legal and at this time no notice of appearance has been filed by counsel to represent the Estate of Walter. We are concerned that the Sahm's are not even aware of the frauds their attorneys are committing in their names and Joanna Sahm may not be aware of her breaches of fiduciary duties if she is the PR and involved in concealing the Estate from the State and Federal court actions.

Further, Mr. Shraiberg misled the court repeatedly in the hearings in both State and Federal Court that Walter Sahm's interest in the mortgage and final judgment was somehow transferred by Tenants by the Entirety to his wife Patricia upon the death of Walter Sahm and thus he claimed no harm no foul. This claim is apparently false and misleading as Mr. Shraiberg has now substituted the Estate of Walter Sahm, not Patricia Sahm and thus by his own admission and substitution the interest did not pass to Walter's wife but instead to his Estate. This also exposes that the Estate was a necessary party in the State Court immediately after Walter's death and thus the fraudulently obtained final judgment issued to a deceased person in that court is void.

Now that the Bankruptcy Court and you have information from attorney Garcia that the current note held by the Sahm's was obtained and issued improperly by "FRAUD ON THE COURT" and that the name on the note being a dead person is therefore also void before the Bankruptcy Court, then any sale of the property based upon these frauds would constitute a fraudulent transfer of property to whomever it is proposed to be sold to and by whomever sells it. It would be unconscionable for you or the Court to now move forward with any sale by advancing this fraud through any action that would be considered as continuing the fraud instead of curing it. For this Bankruptcy Court to further advance the Sahm's judgment to sell any property or as cause to sell property, would be furthering an ongoing fraud on the court and all parties involved and any potential buyer.

I am writing to you to find out what duties and obligations you have to discharge as a US Trustee once it is proven a fraud on the Bankruptcy Court, exposed by a Court Officer, Inger Garcia Esq. has occurred, as is this case in this matter. It appears from just ethical bar rules as a lawyer you are required to report fraud and misconduct of other attorneys to the proper state, federal, civil and criminal authorities. I also believe concealing such crimes could be construed as Aiding and Abetting the crime in progress, Misprision of Felony for any failure to report the crimes and more. I believe that parties that participated in this fraud and those who are now material and fact witnesses (listed below) to the crimes should be removed immediately from the proceedings. I would recommend that the case be stayed due to the frauds and until the fraud is resolved criminally first and new conflict free parties are assigned to hear the case with all necessary parties legally at the table with non-conflicted counsel.

The Sarbanes-Oxley Act of 2002, created 18 U.S.C. § 1519. Section 1519 covers the alteration, destruction or falsification of records, documents or tangible objects, by any person, with intent to impede, obstruct or influence, the investigation or proper administration of any “matters” within the jurisdiction of any department or agency of the United States, or any bankruptcy proceeding, or in relation to or contemplation of any such matter or proceeding. It provides:

“Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.”

Finally, there is another deceased party perpetrating a fraud on the Bankruptcy Court in this matter and that concerns Ted Bernstein and his lawyer Alan Rose, Esq. Mr. Rose has claimed on the record at the June 08, 2022 hearing that he is representing “Ted S. Bernstein as Trustee of the Simon L. Bernstein Amended and Restated Trust”⁴, which he claims to hold a second mortgage to the home. However, a quick review of the trust, attached herein, and you will find that Ted Bernstein is considered Predeceased for “**All Purposes**” of the trust and is further precluded from being a Successor Trustee as he is related to Simon Bernstein, his father and therefore precluded.

From the attached Simon Bernstein Amended and Restated Trust, I quote;

“Notwithstanding the foregoing, for all purposes of this Trust and the dispositions made hereunder, my children, TED S. BERNSTEIN, PAMELA B. SIMON, ELIOT BERNSTEIN, JILL IANTONI and LISA S. FRIEDSTEIN, shall be deemed to have predeceased me as I have adequately provided for them during my lifetime.”

AND

⁴ Exhibit 4 - 2012 Simon Bernstein Amended and Restated Trust

“3. Successor Trustees Not Provided For. Whenever a successor Trustee or co-Trustee is required and no successor or other functioning mechanism for succession is provided for under the terms of this Trust Agreement , the last serving Trustee or the last person or entity designated to serve as Trustee of the applicable trust may appoint his or her successor, and if none is so appointed, the following persons shall appoint a successor Trustee (who may be one of the persons making the appointment):

- a. The remaining Trustees, if any; otherwise,
- b. A majority of the permissible current mandatory or discretionary income beneficiaries, including the natural or legal guardians of any beneficiaries who are Disabled.

A successor Trustee appointed under this subparagraph shall not be a Related or Subordinate Party of the trust.

A quick note, Ted’s prior counsel, Robert Spallina and Donald Tescher, both disbarred now for criminal insider trading, were the Co-Trustees of Simon’s trust but had to resign after admitting to Palm Beach Sheriff Deputies that Spallina had forged my mother’s trust in an effort to include Ted’s children back into that trust. Ted is also considered predeceased with his lineal descendants in my mother’s trust. That confession of fraud by Spallina was after the law offices of Tesher & Spallina PA were found guilty by the Palm Beach County Sheriff of submitting 6 forged and fraudulently notarized documents for six separate parties to the State Court, including a document notarized by my deceased father, after his death.

Ted Bernstein, acting improperly as Trustee of Simon’s Trust, purchased from the Estate of Simon Bernstein Personal Representative, Brian O’Connell, Esq., the 2nd mortgage involved in this bankruptcy case. Brian O’Connell, Esq. is currently in a Florida Supreme Court Bar Complaint⁵. Mr. O’Connell had further made a claim that Ted was not a validly serving trustee of the Simon trust and yet despite his knowledge that Ted was falsely serving he transferred/sold the mortgage to him.

The language from the attached filing⁶ in my mother’s trust case filed by O’Connell states:

CIRCUIT COURT IN AND FOR THE 15th JUDICIAL CIRCUIT IN AND FOR PALM BEACH
COUNTY, FLORIDA

Filing # 23874665 E-Filed 02/17/2015

Case No. 502014CP003698XXXXSB

“AFFIRMATIVE DEFENSE

⁵ EXHIBIT 5 - BAR COMPLAINT - Filing # 150196551 E-Filed 05/24/2022 01:12:03 PM

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR, Supreme Court Case No. SC-Complainant, The Florida Bar File v. No. 2020-50,181(17I)

BRIAN MCKENNA O'CONNELL,

Respondent.

⁶ EXHIBIT 6 - O'Connell Answer and Affirmative Defenses

1. First Affirmative Defense- Lack of Standing- Ted Bernstein lacks the requisite standing as **he is not validly serving as Trustee of the Simon Trust**, is not a beneficiary of the Simon Trust, and is not representing any minor child that is a beneficiary of the Simon Trust.”

Yet, despite this statement by O’Connell it did not stop him from later selling the note to Ted, which has since been used in these fraudulent schemes and to extort my family further. There has been no Construction hearing on the Simon Bernstein Amended and Restated Trust which resulted in any Order that would have allowed Ted to violate the very terms of the Trust to bring him back to life from his Deceased status. Another, “Dead Man Walking” and committing fraud on all parties involved.

LIST OF MATERIAL AND FACT WITNESSES

1. Inger Garcia, Esq.
2. Leslie Ferderigos, Esq.
3. Judge Kastrenakes
4. Judge Erik Kimball
5. Heidi Feinman, Esq. US Trustee
6. David Marshall Brown, Esq.
7. Arthur Morburger, Esq.
8. Lalit K. Jain, Esq.
9. Luanne Fleming
10. Robin Austin
11. Ruth Fleming
12. Joshua Bernstein
13. Jacob Bernstein
14. Daniel Bernstein
15. Eliot Bernstein
16. Candice Bernstein
17. Luisa Esposito
18. Any other party that attended the June 08, 2022 Hearing

LIST OF PARTIES COMMITTING FRAUDS ON STATE AND FEDERAL COURTS & OTHER PARTIES

1. Alan Rose, Esq.
2. Ted Bernstein
3. Brian O’Connell, Esq.
4. Robert Sweetapple, Esq.
5. Bradley Shraiberg, Esq.
6. Cary Sabol, Esq.
7. JohnCappeller, Esq.
8. Patricia Sahm
9. Joanna Sahm

10. Estate of Walter Sahm

LIST OF VICTIMS

1. Joshua Bernstein
2. Jacob Bernstein
3. Daniel Bernstein
4. Candice Bernstein
5. Eliot Bernstein
6. The Estate of Walter Sahm
7. Patricia Sahm
8. Joanna Sahm
9. Bernstein Family Realty, LLC

*All parties who are involved in the legal representations of this matter, including Heidi Feinman, Esq. and Judge Kimball, other than Trustee Bakst who was not present at the hearings, are now conflicted with these matters, at minimum as Material and Fact Witnesses to the crimes they were alerted to. Each will need to be deposed as to their knowledge of the frauds, when they were first learned Walter Sahm was dead, what actions they have taken since learning of the frauds, have they reported the frauds as required, who have they reported these matters to, has the State Court been notified of the FRAUD exposed by attorney Garcia to the Bankruptcy Court, have the Chief Judges of both Courts been notified of the fraud, etc. Therefore, as Material and Fact witnesses at minimum they should all decline further involvement in the adjudication of these matters and have new conflict free parties replace them immediately. It should be noted that Ted Bernstein and Alan Rose were both aware that Walter Sahm was dead from their involvement in the State Court frauds, having been served a Suggestion of Death in that matter and failed to report this to the Bankruptcy Court and participated in the scheme from the start with Shraiberg.

After reviewing the transcript of the June 08, 2022 hearing before Judge Kimball where he was notified by an Officer of the Court, Inger Garcia, Esq. of both fraud in his Court and in the State Court, I am concerned that Judge Kimball appears to be suffering some form of mental disease/dementia, as he appeared to wholly ignore the fact that a motion he was hearing was filed by a dead person or that there was fraud upon his Court and a State Court disclosed by an attorney to him. He has taken no action to remove Shraiberg and others for these frauds. It is well established that an attorney/client relationship ceases the moment the client dies and since Sahm was dead long before being retained by Shraiberg, all actions in his name were fraud by Shraiberg.

Not only did Judge Kimball ignore the fraud he further stated that it did not matter in making his decision and when I personally tried to inform him of the other ongoing frauds he limited me to only two sentences and then irritably disconnected my connection to the hearing. I am also concerned if he has taken any action to report the fraud to proper state and federal, civil and criminal authorities as he is required to do. His failure to take any action to my knowledge to report and correct the fraud in the

Court may be due his severe prejudice against me displayed in his efforts to shut down my ability to represent myself before the Court, depriving me of my due processes rights and limiting my disclosure of the frauds taking place in his Court.

I was made aware after the hearing on June 08, 2022 that Inger Garcia, Esq. had sent US Trustee Heidi Feinman, Esq. an email informing her of the fraud being committed in and on the Bankruptcy Court and in fact that the US Trustee's motion to be heard that day had been joined via joinder filed by a deceased Walter Sahm. I am concerned if US Trustee Heidi Feinman, Esq. has failed to report the fraud reported to her directly by attorney Garcia to the proper authorities and if you have copies of their email transmissions. It would be also helpful to determine if Ms. Feinman tendered the email regarding the fraud sent to her by Garcia to any other parties, including Judge Kimball, prior to or after the June 08, 2022 hearing.

In response to your email dated July 5, 2022, any real estate agent or other party involved in the potentially fraudulent transfer of property should have to sign a release that they are fully cognizant of the potential fraud they may become involved in prior to any criminal investigation regarding the fraud and that they have advised any potential buyers of the myriad of problems that may arise in transferring title, etc.

Additionally, you should make record of the fact that Judge Kastrenakes has violated the Federal Bankruptcy Stay issued on his Court by the Bankruptcy Court as he issued an Order Docket 172 on 05/25/2022 "ORDER KASTRENAKES DTD 5/24/22: DFTS MOTION FOR REHEARING TO VACATE FINAL JUDGMENT OF FORECLOSURE DENIED KASTRENAKES DTD 5/24/22: DFTS MOTION FOR REHEARING TO VACATE FINAL JUDGMENT OF FORECLOSURE DENIED." ⁷

Section 3057 of title 18 of the United States Code requires the trustee to report suspected violations of federal criminal law to the appropriate United States Attorney. Section 586 of title 28 imposes a similar duty on the United States Trustee to refer any matter that may constitute a violation of criminal law to the United States Attorney and, upon request, to assist the United States Attorney in prosecuting the matter. This statutory obligation does not provide for the referral of only those matters which will be prosecuted or for which there is proof beyond a reasonable doubt. Nor is it subject to any thresholds or guidelines established by the United States Attorneys' offices.

CC: Heidi Feinman - heidi.a.feinman@usdoj.gov

Eliot I. Bernstein

**Youtube Inventor Destituted by All the Courts
Now Helped by NY Attorney Lalit K Jain Esq.
For Court-ordered Mandatory Relief and Restitution**

Iviewit Holdings, Inc. – DE

⁷ Exhibit 7 - Judge Kastrenakes Order

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